

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1003 of 1984

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

R S THAKKAR, SINCE DECEASED THROUGH HIS HEIRS & LEGAL REP.

Versus

M S UNIVERSITY OF BARODA AND ITS SYNDICATE

Appearance:

MS MINAKSHI R THAKKAR-Petitioner present in person

MR SM MAZGAONKAR for Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 19/11/97

ORAL JUDGEMENT

1. The petitioner, Minakshi R. Thakkar, filed an affidavit in the Court today which is taken on record. The petitioner, since deceased, now represented by his heir and legal representative had come up with manifold grievances before this Court in the matter of promotion to the post of Reader and Professor but in view of the order of this Court dated 17th February, 1984, this petition has been admitted only with reference to the

grievance of the deceased petitioner about considering his case for promotional post with effect from June, 1983 and rest of the grievances were not admitted by this Court.

2. It is not in dispute that the deceased petitioner retired from the services of the University on 30th September, 1983. So at the most, the grievance is only of three months' period of promotion. The deceased petitioner in the writ petition has not shown who are the persons junior to him who have been promoted in the month of June, 1983. The selection cannot be claimed as of right. Even the order of the persons who have been stated to be promoted under the order dated 13th February, 1984 has not been produced on the record of this Special Civil Application and in the absence of the said order it is otherwise also difficult to accept whether the promotions have been made in the month of June, 1983 or not. So the claim of the deceased petitioner of his promotion from June, 1983 on the post of Reader is wholly untenable and the same is declined.

3. In the affidavit filed today by the heir and legal representative of the deceased petitioner, a grievance has been made that the deceased petitioner has not been given the benefit of pension. This dispute is not the subject matter of this special civil application and the heir and legal representative of the deceased petitioner can not by filing an affidavit enlarge the scope of the special civil application and as such this grievance made cannot be entertained in this special civil application. However, it is made clear that the dismissal of this special civil application will not come in the way of the heir and legal representative of the deceased petitioner to lodge her claim for pension etc. of the deceased petitioner before the University and in case such a claim is lodged then the same shall be decided in accordance with law expeditiously say within three months from the date of receipt of the same. In case the claim is not acceptable then a reasoned order may be passed and copy of the same may be sent to the heir and legal representative of the deceased petitioner. The special civil application is dismissed. Rule is discharged subject to the aforesaid directions.
